

**Notice of Allowability**

Application No.

10/603,331

Examiner

Joe H. Cheng

Applicant(s)

MACRI ET AL.

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3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to \_\_\_\_.
2. ☒ The allowed claim(s) is/are 1-5.
3. ☒ The drawings filed on 26 June 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).  
\* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.  
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)          |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                               | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date ____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date ____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material         | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
|  | 9. <input type="checkbox"/> Other ____   |

Joe H. Cheng  
Primary Examiner  
Art Unit: 3713

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Mr. Vincent J. Marci (applicant) on June 16, 2004.

3. The application has been amended as follows:

In the specification:

Page 1, line 3, change "notice of allowance dated March 10, 2003," to --now U.S. Patent No. 6,722,888 B1,--.

Page 10, line 7, insert the following paragraphs --Fig. 9 is a pictorial diagram of a user interfacing with another alternative embodiment of the invention.

Fig. 10 is a pictorial diagram of a user interacting with an image functioning as a game referee in an embodiment of the invention.

Fig. 11 is a pictorial diagram of a user interacting with images so as to change their position in another alternative embodiment of the invention.

Fig. 12 depicts a user reading her proficiency score in interacting with an embodiment of the invention.

Fig. 13 is a pictorial diagram of a user interacting with another alternative embodiment of the invention.

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Fig. 14 depicts a user reviewing choices of actions and formations to be used in an embodiment of the invention.

Fig. 15 is a pictorial diagram of a user interacting with another alternative embodiment of the invention.

Fig. 16 depicts a user hearing and seeing an instruction in an embodiment of the invention.

Fig. 17 depicts a user reading an instruction in another embodiment of the invention.

Fig. 18 is a pictorial diagram of a user interacting with another alternative embodiment of the invention.

Fig. 19 depicts a user reviewing speed and direction choices to be used in an embodiment of the invention.

Fig. 20 is a pictorial diagram of a user interacting with another alternative embodiment of the invention.

Fig. 21 depicts a user using an alternative input device in an embodiment of the invention.

Fig. 22 depicts a user using an alternative viewing device in an embodiment of the invention.

Fig. 23 is a pictorial diagram of a user interacting with another alternative embodiment of the invention.

Fig. 24 is a pictorial diagram of a user interacting with another alternative embodiment of the invention.

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Fig. 25 depicts a legless user interacting with the leg of an image in an embodiment of the invention.

Fig. 26 depicts an armless user interacting with the arms of an image in an embodiment of the invention.

Fig. 27 depicts a user reviewing choices of biomechanic parameters of an image in an embodiment of the invention.

Fig. 28 depicts a user viewing choices in another alternative embodiment of the invention.

Fig. 29 is a pictorial diagram of another alternative embodiment of the invention.

Fig. 30 is a pictorial diagram of a user viewing interaction with an embodiment of the invention.

Fig. 31 is a pictorial diagram of another alternative embodiment of the invention.

Fig. 32 is a pictorial diagram of a user viewing interaction with another alternative embodiment of the invention.

Fig. 33 is a diagram of the intra-processing system communications in an embodiment of the invention.

Fig. 34 is a pictorial representation of point-to-point communications over a switched network in an embodiment of the invention.

Fig. 35 is a pictorial representation of a combination of communications, including direct connection via universal serial bus, parallel port, ethernet and optical fiber and switched connection via modem and wireless interfaces.

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Fig. 36 is a pictorial representation of an embodiment of the invention in a particular physical setting.

Fig. 37 is a pictorial representation of an embodiment of the invention in a worldwide setting.--.

In the claims:

Claim 1, line 17, change "at least observer" to --at least one observer--.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rosenberg et al (U.S. Pat. No. 5,691,898) - note Figs. 1-11d;

Bragdon (U.S. Pat. No. 5,863,203) - note Figs. 1-3;

Pryor (U.S. Pat. No. 5,982,352) - note Figs. 1-17;

Hodges et al (U.S. Pat. No. 6,012,926) - note Figs. 1-16;

Pollak (U.S. Pat. No. 6,106,298) - note Figs. 1A-13;

Kramer et al (U.S. Pub. No. 2002/0021277 A1) - note Figs. 1-25C;

Rosenberg et al (U.S. Pub. No. 2002/0021283 A1) - note Figs. 1-20;

Duffy et al (U.S. Pat. No. 6,364,845 B1) - note Figs. 1A-12D;

Pieragostini et al (U.S. Pat. No. 6,437,782 B1) - note Figs. 1-9H;

Ebersole et al (U.S. Pat. No. 6,500,008 B1) - note Figs. 1-5.

5. The following is an examiner's statement of reasons for allowance:

None of the prior art of record shows the combination of the structure of the claimed method of simulating training for at least one observer to evaluate at least one user using at least

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one processing system having at least one processor displayable user controllable image for performing interactive, personal and idiosyncratic simulated movements, communicated to at least one other processing system, comprised of generating, storing and maintaining at least one processor displayable user controllable image controlled by at least one user to perform a sequence of movements in a memory means of at least one processing system; providing display means to display at least one user controllable image for performing interactive, personal and idiosyncratic simulated movements; providing input means to receive inputs from at least one user to control at least one user controllable image for performing the simulated movements; providing input means to receive inputs from at least one observer evaluating the at least one user controlling the at least one user controllable image for performing the simulated movements; constructing at least one user controllable image to make the simulated movements controlled by the input means from the at least one user without requiring the at least one user to make corresponding physical movements; recording and maintaining, in the memory means, a record of the user controllable image movements such that the record is modified to represent the simulated movements as controlled by the input means; recording and maintaining, in the memory means, a record of the observer's evaluating of the user controllable image movements; providing output means to send outputs of the controllable image movements from the memory means to the display means; and providing communication means to send and receive the inputs and outputs to the at least one other processing system; thereby the at least one observer, records on the memory means the observer's evaluation of the at least one user performing the simulated training by using at least one user controllable image to interact with at least one other user

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controllable image from the at least one other processing system displayed on the display means of the at least one other processing system.

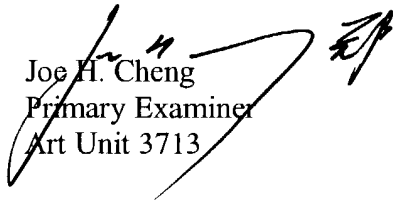
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe H. Cheng whose telephone number is (703)308-2667. The examiner can normally be reached on Tue.- Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (703)308-1745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joe H. Cheng  
June 16, 2004

  
Joe H. Cheng  
Primary Examiner  
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